

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:31.07.2017

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKESAVALU

W.P.No.16523 of 2017 and
WMP No.17879 of 2017

V.Saravanan .. Petitioner
Vs.

1. The Collector,
Tiruvannamalai District,
Tiruvannamalai
2. The Sub-Collector,
Cheyyar,
Tiruvannamalai District .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order of rejection in Proceedings No.Se.Mu.No.K4/41993/2016 dated 23.02.2017 on the file of the 1st Respondent confirming the rejection order of the 2nd Respondent dated 07.08.2015 and quash the same and direct the respondents to issue community certificate to the daughters of the Petitioner viz., S.Priyanka and S.Dhanuska that they belong to Kondareddy (ST) Community.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard both sides. No counter is filed. By consent of parties, the main Writ Petition itself is taken up for final disposal.

2. According to the Petitioner, he belongs to 'Konda Reddy Community, classified as Scheduled Tribe Community' as per the Constitution (Scheduled Tribes) Order 1950 as amended by the Scheduled Tribes Orders (Amendment) Act, 1976.

3. It is the plea of the Petitioner that he had studied up to S.S.L.C and because of his poverty, he was not able to pursue his studies and in the school records, his community is entered as 'Kondareddy' and in his father's school records, his community is entered as 'Kondareddy', both he and his father have not obtained any Community Certificate because it was not required for them at that relevant point of time. Moreover, his wife, namely, Annaisathya also belong to 'Kondareddy Community' and her school records also shows that her community is entered as 'Kondareddy Community'. She also studied up to S.S.L.C., but not obtained any Community Certificate.

4. The core contention advanced on behalf of the Petitioner is that the Petitioner's two daughters, namely, S.Priyanka, aged 5 years, now studying 3rd standard and S.Dhanuska, aged 3 years, now studying L.K.G. are in need of Community Certificate and hence he filed an application in this regard on 27.07.2015 before the 2nd Respondent praying for issuance of Community Certificate in respect of his wards. He had enclosed Family Card, Voter I.D., his School Certificate, his Father's School Certificate, but the 2nd Respondent had rejected his Application on 07.08.2015, assigning reason that he had not produced the documents in support of his claim. Against the order of rejection passed by the 2nd Respondent on 07.08.2015, he had preferred an Appeal before the 1st Respondent / the Collector, Tiruvannamalai District, Tiruvannamalai on 15.02.2016 and the 1st Respondent had passed an Order incorporating the request of the Petitioner for issuance of Community Certificate in respect of his wards by passing a detailed order on 23.02.2017.

5. It is not in dispute that as against the Appeal Order dated 23.02.2017 passed by the 1st Respondent / The Collector, Tiruvannamalai District, as per G.O.(Ms).No.235 Revenue [RA3(2)] Department dated 26.06.2015 and amended G.O.(Ms).No.147 Revenue [RA-3(2)] Department dated 17.03.2016, the Competent Authority to hear the Revision against the Order passed by the 1st Respondent / the Collector, Tiruvannamalai District, (the Appellate Authority) is the 'State Level Scrutiny Committee'. When the Orders as afore stated are very much clearly speak out the Authority before whom the Revision can be filed by the Petitioner, then, this Court is of the considered view that the

filing of the present Writ Petition before this Court is not correct in the eye of Law. As such, this Court, simplicitor directs the Petitioner to prefer a Revision Petition before the 'State Level Scrutiny Committee' as against an Appeal Order dated 23.02.2017 passed by the 1st Respondent / the District Collector, Tiruvannamalai within a period of two weeks from the date of receipt of copy of this Order. In the event of filing of the Revision Petition before the State Level Scrutiny Committee by the Petitioner, it cannot be gainsaid that the 'State Level Scrutiny Committee' shall dispose of the said Revision Petition, of course, after providing necessary opportunity to the Petitioner by adhering to the 'Principles of Natural Justice' within a period of four weeks thereafter. It is open to the Petitioner to raise all factual and legal please before the Revision Authority, 'State Level Scrutiny Committee' and also to rely upon all the supporting documents to substantiate his case in regard to the issuance of Community Certificate to his wards. The Revision Authority, namely, the State Level Scrutiny Committee is directed to dispose of the Revision Petition (if any filed by the Petitioner) within the time prescribed by this Court and send the compliance report to this Court in favour of Registrar Judicial, High Court, Madras.

With the aforesaid observation(s), this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssd

To

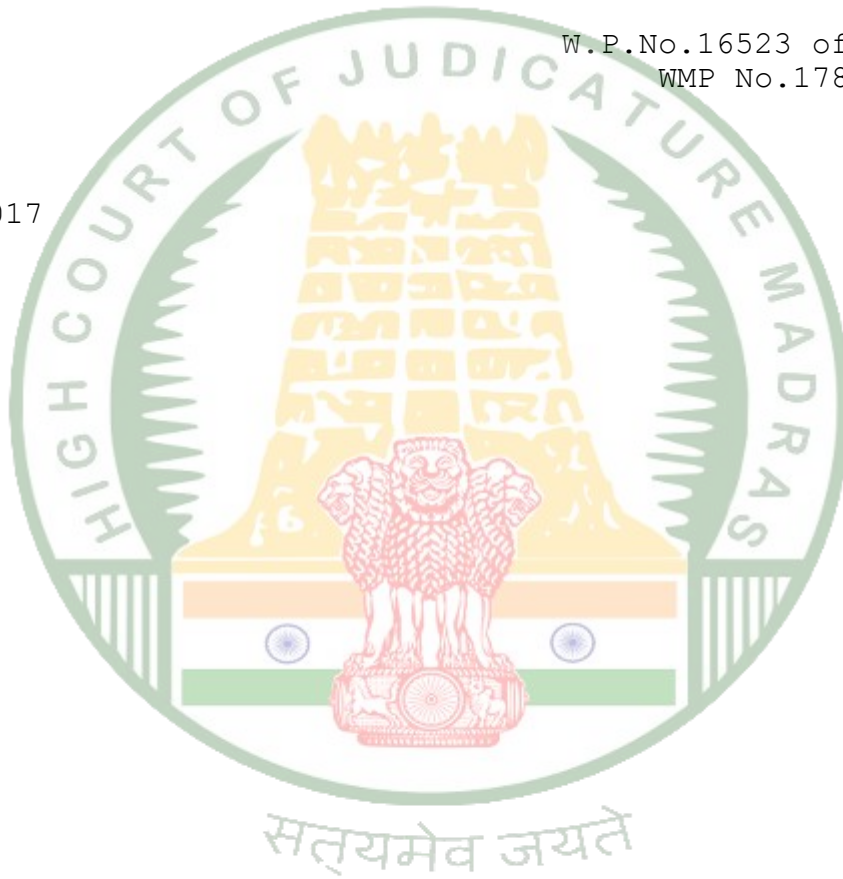
1. The Collector,
Tiruvannamalai District,
Tiruvannamalai
2. The Sub-Collector,
Cheyyar,
Tiruvannamalai District

3. The Registrar Judicial
High Court, Madras
(for favour of information and
necessary follow up action)

+1 cc to the Government pleader sr 55666
+1 cc to Mr.S.Doraisamy Advocate sr 54636

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